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Chairman Tom Wheeler  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O'Rielly  
c/o Marlene H. Dortch, Secretary

Federal Communications Commission  
445 12th Street, S.W., Room TW A325  
Washington, D.C. 20554

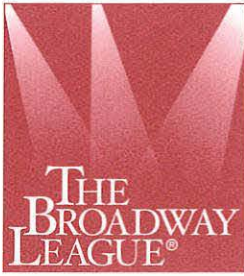
**Re: Ex Parte Filing of The Broadway League in WT Dockets Nos. 08-166 and 08-167 and ET Docket No. 10-24 and GN Docket No. 12-268, Broadcast Television Spectrum Incentive Auction**

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, Commissioner O'Rielly and Ms. Dortch,

The Broadway League is the trade association of the national commercial theatre industry. We represent the producers, venue owners, road presents, general managers and industry specialists who work together to bring Broadway and Touring Broadway to theatre-goers across the country and around the world. Broadway is almost a \$12 billion industry and New York City's largest tourist attraction, entertaining more than 12 million theatregoers annually, employing over 10,000 people and supporting an estimated 75,000 additional positions including hotel and restaurant workers. Touring Broadway productions stimulate an additional \$3.4 billion of economic activity, annually visiting approximately 200 cities across North America.

Broadway involves the largest concentration of permanently installed professional wireless microphones in the U.S. As a result of the intense use of wireless microphones in a small geographic footprint, Broadway is an extreme radiofrequency environment where spectrum use is painstakingly coordinated and frequencies heavily reused. Broadway's ability to deliver high-quality productions has been deeply affected by the loss of 700 MHz spectrum, and any further reduction in UHF spectrum due to the Voluntary Incentive Auction will be profoundly harmful to Broadway, League members, and Touring Broadway productions.

In the forthcoming Voluntary Incentive Auction report and order ("R&O") the League urges the Commission to take meaningful steps to help mitigate the harm to wireless microphone operations caused by dramatic and repeated reductions in UHF spectrum. Specifically, the League asks the Commission to:



- Expand eligibility for Part 74 wireless microphone licenses. The current regulatory framework for licensing microphones was developed in the 1970s and outlived its utility many years ago. Broadway and Touring Broadway productions have a similar or greater need for wireless microphones relative to other professional users, and the Broadway community, including venue operators, producers, rental houses and frequency coordinators, should be eligible to hold a license and enjoy the protections entitled to licensees.
- Identify new spectrum for professional wireless microphone use. While Broadway is a leader in frequency reuse and spectral efficiency, the loss of additional UHF spectrum cannot be overcome by improvements in coordination and/or technology alone.
- Create new suitable allocations for wireless microphones with interference protections rights prior to beginning any migration out of auctioned UHF frequencies. The Commission should commit in its upcoming R&O to identify and allocate sufficient, suitable spectrum for professional wireless microphones use by the end of the current calendar year.

We thank you for the opportunity to comment. The Broadway League hopes that, while implementing the mandates of the Middle Class Tax Relief and Job Creation Act of 2012, the Commission will continue striving to ensure the future of the live entertainment industry.

Respectfully submitted,

Charlotte St. Martin,  
Executive Director

Tom Viertel,  
Chairman, Government Relations Committee

Thomas Ferrugia,  
Director of Government Relations